



June 9, 1999

Ms. Marie E. Galindo
Assistant City Attorney
City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR99-1618

Dear Ms. Galindo:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125564.

The City of Midland (the "city") received a request for personnel information regarding a named officer. You explain that the personnel information concerns an officer who is the arresting officer in a pending criminal case. You thus assert that the officer's personnel information is excepted from disclosure under section 552.108 of the Government Code. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement). However, you have not demonstrated how public access to police department personnel information interferes with the detection, investigation, or prosecution of crime. *See* Gov't Code § 552.022(a)(2).

We note, however, that the responsive documents contain some information that is confidential under section 552.117. Section 552.117 provides that information is excepted from disclosure if it relates to a peace officer's home address, home telephone number, social security number, or reveals whether the peace officer has family members. *See* Open Records Decision No. 622 (section 552.117 excepts from disclosure former home addresses and former home telephone numbers). Section 552.117 makes confidential some of the information at issue, including the officer's former home address. The remaining information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/eaf

Ref: ID# 125564

Encl. Submitted documents

cc: Ms. Sylvia A. Chavez
Attorney at Law
1110 North Big Spring Street
Midland, Texas 79701
(w/o enclosures)